

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

| | |
|---|--|
| RASMUSSEN et al, Plaintiffs, v. UINTAH BASIN HEALTHCARE, Defendant. | ORDER GRANTING PLAINTIFFS' [13] MOTION TO CONSOLIDATE CASES AND DESIGNATE INTERIM CO-LEAD CLASS COUNSEL Case No. 2:23-cv-00322-CMR Magistrate Judge Cecilia M. Romero |
|---|--|

Having considered Plaintiff's Motion to Consolidate Cases pursuant to Fed. R. Civ. P. 42(1) and Designate Interim Counsel Pursuant to Fed. R. Civ. P. 23(g)(3) (Motion) (ECF 13), and for good cause appearing, the court hereby GRANTS the Motion and orders as follows:

1. The following cases (collectively, the "Related Actions") are hereby consolidated under the new title: "Rasmussen et al., v. Uintah Basin Healthcare" pursuant to Fed. R. Civ. P. 42(a) (the "Consolidated Action"):
 - a. *Rasmussen, et al., v. Uintah Basin Healthcare*, Case No. 2:23-cv-00322-CMR (filed on May 17, 2023) by the law firms of Younker Hyde MacFarlane, PLLC, Chestnut Cambronne PA, and Sanford Law Firm, PLLC;
 - b. *Keasler v. Uintah Basin Healthcare*, Case No. 2:23-cv-00323-TC (filed on May 19, 2023) by the law firms of Siri & Glimstad LLP and Marshall Olson & Hull PC;
 - c. *Miller v. Uintah Basin Healthcare*, Case No. 2:23-cv-00330-TC (filed on May 23, 2023) by the law firms of Mason, LLPC and Magleby Cataxinos & Greenwood, P.C.
2. The Clerk of Court is DIRECTED to administratively close the *Keasler v. Uintah Basin Healthcare*, Case No. 2:23-cv-00323-TC and *Miller v. Uintah Basin*

Healthcare, Case No. 2:23-cv-00330-TC. The Clerk of Court is FURTHER DIRECTED to transfer all documents already docketed in those Related Actions into the Consolidated Action.

3. All papers filed in the Consolidated Action shall be filed under the lead case number 2:23-cv-00322-CMR, the number assigned to the first-filed case, *Rasmussen*, and shall bear the following caption:
4. The case file for the Consolidated Action will be maintained under Master File No. 2:23-cv-00322-CMR. When a pleading is intended to apply to all Actions to which this Order applies, the words “ALL ACTIONS” shall appear immediately after the words “This Document Relates To:” in the caption. When a pleading is not intended to apply to all Actions, the docket number for each individual Action to which the paper is intended to apply and the last name of the first-named plaintiff in said action shall appear immediately after the words: “This Document Relates To:” in the caption (e.g., “No. 2:23-cv-00322-CMR”).
5. All papers previously filed and served to date in the Related Actions are deemed part of the record in the Consolidated Action.
6. Pursuant to Fed. R. Civ. P. 23(g)(3), the court hereby designates Bryan L. Bleichner of Chestnut Cambronne PA, Mason A. Barney of Siri & Glimstad LLP, and Danielle L. Perry of Mason, LLP as interim counsel to act on behalf of the Plaintiffs and the class members in the Consolidated Action, with the responsibilities set forth below:
 - Establish and maintain a depository for orders, pleadings, hearing transcripts, and all documents served upon plaintiffs’ counsel, and make such papers available to plaintiffs’ counsel upon reasonable request;

- Coordinate the initiation and conduct of discovery on behalf of all plaintiffs consistent with the requirements of the Federal Rules of Civil Procedure relating to discovery or any other subsequent order of this court;
 - Designate counsel to schedule depositions, set agendas and otherwise interact with defense counsel, various plaintiffs' counsel, and the settlement master (if one is appointed);
 - Determine and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the court and opposing parties the position of the plaintiffs on all matters arising during pretrial proceedings;
 - Conduct settlement negotiations on behalf of plaintiffs, but not enter binding agreements except to the extent expressly authorized;
 - Delegate specific tasks to other counsel in a matter to ensure that pretrial preparation for the plaintiffs is conducted effectively, efficiently, and economically;
 - Enter into stipulations, with opposing counsel, necessary for the conduct of the litigation;
 - Prepare and distribute periodic status reports to the parties;
 - Maintain adequate time and disbursement records covering service of designated counsel and enforce guidelines approved by the court as to the keeping of time records and expenses;
 - Monitor the activities of co-counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided;
 - Perform such other duties as may be incidental to proper coordination of the plaintiffs' pretrial activities or authorized by further order of the court; and
 - Submit, if appropriate, suggestions for establishing additional committees and counsel for designation by the court.
8. Any additional plaintiffs' counsel will do all work in this litigation only at the direction of Interim Co-Lead Class Counsel. No motion, request for discovery, or other pretrial proceedings shall be initiated or filed by any Plaintiff except through Interim Co-Lead Class Counsel and no other Plaintiffs' counsel or firm shall be

authorized to perform any work in the case without the express authorization of Interim Co-Lead Class Counsel.

9. Interim Co-Lead Class Counsel shall have sole authority to communicate with Defendant's counsel and the court on behalf of any Plaintiff unless that authority is expressly delegated to other counsel. Defendant's counsel may rely on all agreements made with Interim Co-Lead Class Counsel, and such agreements shall be binding on all other Plaintiffs' counsel.
10. Interim Co-Lead Class Counsel must serve a copy of this Order and all future orders promptly by overnight delivery service, facsimile, or other expeditious electronic means on counsel for Plaintiffs in any related action to the extent that Interim Co-Lead Class Counsel are aware of any such action(s) and on all attorneys for Plaintiffs whose cases may subsequently be consolidated with the above actions but who have not yet registered for ECF.
11. Plaintiffs in the Consolidated Action shall file an operative Consolidated Class Action Complaint within forty-five (45) days of this Order. Defendant need not respond to any of the initial complaints filed in the Related Actions. The parties will meet and confer about a motion to dismiss briefing schedule and submit a stipulated briefing schedule to the court.

IT IS SO ORDERED.

DATED this 14 June 2023.



Magistrate Judge Cecilia M. Romero
United States District Court for the District of Utah